

**ARTICLE 6**

**ZONING BYLAW AMENDMENT/MIXED USE IN  
BUSINESS AND INDUSTRIAL ZONES**

To see if the Town will vote to amend the Zoning Bylaw to revitalize Business and Industrial Zoning Districts by altering and expanding ARTICLE 2 DEFINITIONS, to include “Mixed Use” and to include new industries; and amending Section 3.02, Description of Zoning Districts; and amending SECTION 4.04 Mixed Uses; and amending SECTION 5.04 TABLE OF USE REGULATIONS, to allow Mixed Use in all Business and Industrial zones; and amending ARTICLE 6 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS for Mixed Use development in Business and Industrial zones; and amending SECTION 6.05—Exceptions to Dimensional Requirements for Uses 2.05 and 2.07 to include mixed use; and amend SECTION 11.06—Environmental Design Review to include mixed use; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Proposed vote

VOTED:

That the Zoning Bylaw be and hereby is amended by:

**Amending Article 2, Definitions, Section 2.01 General with the following text changes:**

Following the definition of “ARB”:

Artisanal Fabrication:

Production of goods by the use of hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operations or storage, and where the production, operations, and storage of materials related to production occupy no more than 5,000 square feet of gross floor area. Typical uses have minimal negative impact on surrounding properties and include, but are not limited to, woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

Artistic/Creative Production:

Creation, production, manufacture, distribution, publishing, rehearsal, performance, broadcast, selling, or teaching of the visual arts, performing arts, applied arts, literature, heritage, media, music, information technology, communications media, or digital content & applications; or the invention, design, prototyping, or fabrication, assembly, and packaging of parts for further assembly or consumer goods for sale.

...

Following the definition of “Building, Setback Line”:

Building Step Back:

Upper story building setback provided along all building elevations with street frontage, excluding alleys.

...

Following the definition of “Membership Club”:

Mixed Use:

A Combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication, residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment.

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**Amending Article 3, Establishment of Districts, Section 3.02 Description of Zoning Districts, by adding the following underlined sentences or phrases.**

**B1 - Neighborhood Office District**

The Neighborhood Office District is composed of all those areas so designated on the official zoning map. Predominant uses include one- and two-family residences, houses with offices on the ground floor, or office structures which are in keeping with the scale of adjacent houses. With most locations on or adjacent to Massachusetts Avenue, the district is intended to encourage preservation of small-scale structures to provide contrast and set off the higher density, more active areas along the Avenue. Uses which would detract from the desired low level of activity, consume large amounts of land, or otherwise interfere with the intent of this bylaw, are discouraged. Mixed-use structures without retail space are allowed in this district.

**B2 - Neighborhood Business District**

The Neighborhood Business District is composed of all those areas so designated on the official zoning map. Predominant uses include small retail and service establishments serving the needs of adjacent neighborhoods and oriented to pedestrian traffic. Locations are almost all along Massachusetts Avenue or Broadway. Uses which would detract from this small-scale business character, or otherwise interfere with the intent of this bylaw are discouraged. Mixed-use structures are allowed in this district.

**B2A - Major Business District**

The major Business District is composed of all those areas so designated on the official zoning map. Located along Massachusetts Avenue, Mill Street, Summer Street and Broadway, these areas generally contain uses that are retail and service to serve the needs of a large neighborhood area. Customers generally arrive by car so there is ample parking to serve the retailer. Housing is also permitted at a medium density due to the proximity of the zone to residential uses. Mixed-use structures are allowed in this district. Automotive uses; some office uses, wholesale business and storage uses are prohibited.

**B3 - Village Business District**

The Village Business District is composed of all those areas so designated on the official zoning map. Predominant uses include retail, service and office establishments catering to both convenience and comparison-goods shoppers and oriented to pedestrian traffic. ~~Multi-use development is encouraged, such as retail with office or business and residential.~~ Mixed-use structures are allowed and encouraged in this district. The three locations include portions of the principal business areas of Arlington: Lake Street, Arlington Center, and Arlington Heights. Businesses which consume large amounts of land and activities which interrupt pedestrian circulation and shopping patterns or otherwise interfere with the intent of this bylaw are discouraged.

#### B4 - Vehicular Oriented Business District

The Vehicular Oriented Business District is composed of all those areas so designated on the official zoning map. Uses include establishments primarily oriented to automotive traffic which require large amounts of land in proportion to building coverage; or establishments devoted to the sale or servicing of motor vehicles, the sale of vehicular parts and accessories, and service stations. Arlington has an overabundance of automotive and automotive accessory sales and service establishments; thus when one of these businesses closes, the conversion of the property to other retail, service, office or residential use is encouraged, particularly as part of mixed-use development, which is allowed in this district.

#### B5 - Central Business District

The Central Business District is composed of all those areas so designated on the official zoning map in Arlington Center. It includes retail, service, and office uses, and provides for large-scale development. The scale is intended to reinforce the Center's role as the focus of activity in Arlington. ~~Multi-use~~ Mixed use development is encouraged, such as the combining of residential and business uses. Activities shall be oriented to pedestrian traffic and to centralized parking. Businesses which consume large amounts of land and interrupt pedestrian circulation and shopping patterns or otherwise interfere with the intent of this bylaw are discouraged.

#### I - Industrial District

The Industrial District is composed of all those areas so designated on the official zoning map. These areas in the Mill Brook Valley allow uses requiring the manufacture, assembly, processing or handling of materials which because of their traffic, noise, appearance, odor, or hazards would be disruptive to residential and other business uses. Residential uses, retail business uses, or uses which would otherwise interfere with the intent of this bylaw are discouraged. Mixed-use development is allowed in this district, without residential space.

...

#### **Amending Section 4.04 – ~~Mixed Use~~ Multiple Business Uses**

| Other than Mixed Use, ~~In~~ in cases of ~~mixed-occupancy~~ multiple business uses on a single lot, the regulation for each use shall apply to the portion of the building or land so used.

...

#### **Amending Section 5.04 Table of Use Regulations**

Revised 3/2/16

**Note: Yes - permitted as a right**

**SP - special permit**

**Blank - not permitted**

## SECTION 5.04 - TABLE OF USE REGULATIONS

#### SECTION 5.04 - TABLE OF USE REGULATIONS (Continued)

		District																				
	Principal Use	R0	R1	R2	R3	R4	R5	R6	R7		B1	B2	B2A	B3	B4	B5		MU	PUD	I	T	OS
6.23	Technical Offices including offices with: extensive data processing facilities; laboratories and testing facilities; or offices with minor assembly or fabrication activities provided that the activities occupy no more than 25 percent of the floor area. For uses in this category any noise, gas, odor, bright light, dust, vibration or electro-magnetic radiation shall be confined within a building							SP	SP	SP		SP	SP	SP	SP	SP	SP				SP	SP
ART. 6, ATM 4/14																						
7.10	Medical Marijuana Treatment Center Permitted as such by the Arlington Board of Health													SP		SP						
<b>7.11</b>	<b>Artisanal Fabrication</b>											<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>		<b>SP</b>		<b>SP</b>	<b>Yes</b>
<b>7.12</b>	<b>Artistic/Creative Production</b>											<b>SP</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>		<b>SP</b>	<b>SP</b>		<b>Yes</b>
<b>7.13</b>	<b>Mixed Use</b>											<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>		<b>SP</b>	<b>SP</b>		<b>SP(d)</b>

**(d) Mixed Use in Industrial Zones shall not include residential uses.**

Revised 3/2/16

**Amend ARTICLE 6 Section 6, Table of Dimensional and Density Regulations**

**SECTION 6.00 - TABLE OF DIMENSIONAL AND DENSITY REGULATIONS (Continued)**

		Intensity of Development										Open Space	
ART. 8, STM 3/85; ART. 11,ATM 4/98		Lot Requirements,		Fl. Area Ratio Maximum	Lot Coverage Maximum Percent	Minimum Lot Area per Dwelling Unit, Sq. Ft.	Minimum Yard, Ft. <sup>P</sup>			Height Maximum		Minimum Percent of Gross Floor Area	
Dis- trict	Use	Size, Sq. Ft.	Frontage, Ft.				Front <sup>E</sup>	Side <sup>E</sup>	Rear <sup>E</sup>	Stories	Feet <sup>G</sup>	Landscaped	Usable
B1	Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling <sup>QR</sup>	6,000	60	0.75	NA	2,500	20	10	20	2-1/2	35	10%	30%
	<b>Mixed Use</b>	<b>-</b>	<b>50</b>	<b>0.75</b>	<b>NA</b>	<b>2,500</b>	<b>20</b>	<b>10</b>	<b>20</b>	<b>3</b>	<b>35</b>	<b>10%</b>	<b>-</b>
	Any other permitted uses	5000	50	0.75	NA	2,500	20	10	20	3	35	10%	-
B2	Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling <sup>QR</sup>	6,000	60	0.75	NA	2,500	20	10	20	2-1/2	35	10%	30%
	Building with a principle Use of townhouse structure or apartment house	5,000	50	1.00	NA	1,450	20	10	20	3	35	10%	20%
	<b>Mixed Use</b>	<b>-</b>	<b>50</b>	<b>1.50</b>	<b>NA</b>	<b>1,450</b>	<b>-</b>	<b>-</b>	<b>10+(L/10)</b>	<b>4<sup>T</sup></b>	<b>50</b>	<b>10%</b>	<b>-<sup>H</sup></b>
										<b>3</b>	<b>40</b>		
		<b>&gt;20,000</b>	<b>50</b>	<b>1.00</b>	<b>NA</b>	<b>1,450</b>	<b>0</b>	<b>0</b>	<b>10+(L/10)</b>	<b>4<sup>T</sup></b>	<b>50</b>	<b>10%</b>	<b>-<sup>H</sup></b>
										<b>3</b>	<b>40</b>		
	Any other permitted use	-	50	1.00	NA	1,450	0	0	10+(L/10)	3	35	10%	- <sup>H</sup>

Revised 3/2/16

SECTION 6.00 - TABLE OF DIMENSIONAL AND DENSITY REGULATIONS (Continued)

Dis- trict	Use	Intensity of Development										Open Space	
		Lot Requirements, Minimum <sup>M</sup>		Fl. Area Ratio Maximum	Lot Coverage Maximum Percent	Minimum Lot Area per Dwelling Unit, Sq. Ft.	Minimum Yard, Ft. <sup>P</sup>			Height Maximum		Minimum Percent of Gross Floor Area	
		Size, Sq. Ft.	Frontage, Ft.				Front <sup>E</sup>	Side <sup>E</sup>	Rear <sup>E</sup>	Stories	Feet <sup>G</sup>	Landscaped	Usable
ART.6, ATM 5/04													
B2A	Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling <sup>QR</sup>	6,000	60	0.75	NA	2,500	20	10	20	2-1/2	35	10%	30%
ART. 4, ATM 4/97													
	Apartment house fronting on a street with a right-of-way width of 50 feet or less	20,000	100	0.80	NA	1,450	15	10+(L/10)	30	3	35	10%	25%
	Apartment house fronting on a street wider than 50 feet	20,000	100	1.20 <sup>F</sup>	NA	700	15+(H/10)	(H+L)/6	(H+L)/6 at least 30 ft.	4	40 25	10%	20%
	Mixed Use	-	50	1.50	NA	700	0	0	10+(L/10)	5 <sup>T</sup>	60		
										4 <sup>T</sup>	50		
		>20,000	50	1.00	NA	700	0	0	10+(L/10)	4 <sup>T</sup>	50	10%	- <sup>H</sup>
										3	40		
	Any other permitted use	-	50	1.00	NA	NA	-	-	10+(L/10)	3	35	10%	- <sup>H</sup>

## SECTION 6.00 - TABLE OF DIMENSIONAL AND DENSITY REGULATIONS (Continued)

Dis- trict	Use	Intensity of Development										Open Space	
		Lot Requirements, Minimum <sup>M</sup>		Fl. Area Ratio Maximum	Lot Coverage Maximum Percent	Minimum Lot Area per Dwelling Unit, Sq. Ft.	Minimum Yard, Ft. <sup>P</sup>			Height Maximum		Minimum Percent of Gross Floor Area	
		Size, Sq. Ft.	Frontage, Ft.				Front <sup>E</sup>	Side <sup>E</sup>	Rear <sup>E</sup>	Stories	Feet <sup>G</sup>	Landscaped	Usable
ART.6, ATM 5/04													
B3	Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling <sup>QR</sup>	6,000	60	0.75	NA	2,500	20	10	20	2-1/2	35	10%	30%
B3 (cont.)													
ART.81, ATM 4/80 Building with a principal use of a town house structure or apartment house		20,000	100	1.40	NA	600	15+(H/10)(H+L)/6(H+L)/6			5 3	60 40	10%	20%
Mixed Use		-	50	1.50	NA	600	0	0	(H+L)/6	5 <sup>T</sup> 4 <sup>T</sup>	60 50		
		>20,000	50	1.40	NA	600	0	0	(H+L)/6	5 3	60 40	10%	- <sup>H</sup>
Any other permitted use		-	50	1.00	NA	600	-	-	(H+L)/6	5 3	60 40	20%	-
		20,000	100	1.40	NA	600	-	-	(H+L)/6	5 3	60 40	10%	- <sup>H</sup>

## SECTION 6.00 - TABLE OF DIMENSIONAL AND DENSITY REGULATIONS (Continued)

Dis- trict	Use	Intensity of Development										Open Space	
		Lot Requirements, <u>Minimum<sup>M</sup></u>		Fl. Area Ratio Maximum	Lot Coverage Maximum Percent	Minimum Lot Area per Dwelling Unit, Sq. Ft.	<u>Minimum Yard, Ft.<sup>P</sup></u>			<u>Height Maximum</u>		<u>Minimum Percent of Gross Floor Area</u>	
		Size, Sq. Ft.	Frontage, Ft.				Front <sup>E</sup>	Side <sup>E</sup>	Rear <sup>E</sup>	Stories	Feet <sup>G</sup>	Landscaped	Usable
ART.6, ATM 5/04													
B4	Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling <sup>QR</sup>	6,000	60	0.75	NA	2,500	20	10	20	2-1/2	35	10%	30%
	Apartment house fronting on street with a right-of-way width of 50 ft. or less	20,000	100	0.80	NA	1,450	15	10+(L/10)	30	3	35	10%	25%
ART. 92, ATM 3/79													
	Apartment house fronting on street wider than 50 ft.	20,000	100	1.20 <sup>F</sup>	NA	700	15+(H/10)	(H+L)/6	(H+L)/6 at least 30 ft.	4	40 25	10%	20%
Mixed Use		-	50	1.50	NA	700	0	0	10+(L/10)	5 <sup>T</sup>	60		
										4 <sup>T</sup>	50		
		>20,000	50	1.00	NA	700	0	0	10+(L/10)	4 <sup>T</sup>	50	10%	- <sup>H</sup>
										3	40		
Any other permitted use													
		-	50	1.00	NA	NA	-	-	10+(L/10)	3	35	10%	- <sup>H</sup>



## SECTION 6.00 - TABLE OF DIMENSIONAL AND DENSITY REGULATIONS (Continued)

Dis- trict	Use	Intensity of Development										Open Space	
		Lot Requirements,		Fl. Area Ratio Maximum	Lot Coverage Maximum Percent	Minimum Lot Area per Dwelling Unit, Sq. Ft.	Minimum Yard, Ft. <sup>P</sup>			Height Maximum		Minimum Percent of Gross Floor Area	
		Size, Sq. Ft.	Frontage, Ft.				Front <sup>E</sup>	Side <sup>E</sup>	Rear <sup>E</sup>	Stories	Feet <sup>G</sup>	Landscaped	Usable
ART.6, ATM 5/04													
B5	Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling <sup>QR</sup>	6,000	60	0.75	NA	2,500	20	10	20	2-1/2	35	10%	30%
ART. 92, ATM 3/79; ART. 81, ATM 4/80; ART. 16, STM 3/87													
	Building with a principal use of a town house structure or apartment house	20,000	100	1.50	NA	550	15+(H/10) at least 20 ft.	(H+L)/6 at least 20 ft.	(H+L)/6 at least 20 ft.	NA	75 <sup>N</sup> 40	10%	15%
	Mixed Use	-	50	1.80	NA	700	0	0	10+(L/10)	5 <sup>T</sup> 4 <sup>T</sup>	60 50		
		>20,000	50	1.40	NA	700	0	0	10+(L/10)	5 <sup>T</sup> 3	60 40	10%	-
ART.5, STM 3/81													
	Any other permitted use	-	50	1.40 <sup>I</sup>	NA	600	-	-	(H+L)/6	5 3	60 40	10%	- (20% for residen- tial use)
ART. 16, STM 3/87													
		40,000	100	1.50 <sup>I</sup>	NA	550	-	-	(H+L)/6	NA	75 <sup>N</sup> 40	10%	- <sup>H</sup>
ART. 16, STM 3/87													
		80,000	150	1.80 <sup>I</sup>	NA	550	-	-	(H+L)/6	NA	75 <sup>N</sup> 40	10%	- <sup>H</sup>

## SECTION 6.00 - TABLE OF DIMENSIONAL AND DENSITY REGULATIONS (Continued)

Dis- trict	Use	Intensity of Development					Minimum Yard, Ft. <sup>P</sup>			Height Maximum		Open Space Minimum Percent of Gross Floor Area	
		Lot Requirements, Minimum <sup>M</sup> Size, Sq. Ft.	Frontage, Ft.	Fl. Area Ratio Maximum	Lot Coverage Maximum Percent	Minimum Lot Area per Dwelling Unit, Sq. Ft.	Front <sup>E</sup>	Side <sup>E</sup>	Rear <sup>E</sup>	Stories	Feet <sup>G</sup>	Landscaped	Usable
ART.13, ATM 4/01 I	All permitted uses	-	-	1.50	NA	NA	10 <sup>J</sup>	10 <sup>J</sup>	10 <sup>J</sup>	4 3	52 39	-	-
	<b>Mixed Use</b>	<b>-</b>	<b>-</b>	<b>1.50</b>	<b>NA</b>	<b>NA</b>	<b>10J</b>	<b>10J</b>	<b>10J</b>	<b>4<sup>T</sup></b> <b>3</b>	<b>52</b> <b>39</b>	<b>-</b>	<b>-</b>
ART.13, ATM 4/01 T	Uses 4.01, 5.01, 5.05 5.09, 8.17	6,000	60	0.35	NA	NA	25	10	20	2-1/2	35	30%	
ART.92, ATM 3/79, ART. 43, STM3/82 PUD	All permitted uses	200,000 <sup>K</sup>	-	0.80	NA	NA	(See Section 6.28)			NA <sup>L</sup>	85 40	-	-
	<b>Mixed Use</b>	<b>200,000K</b>	<b>-</b>	<b>0.80</b>	<b>NA</b>	<b>NA</b>	<b>(See Section 6.28)</b>			<b>NA<sup>LT</sup></b>	<b>85</b> <b>40</b>	<b>-</b>	<b>-</b>

ART. 6, ATM 5/04

R These dimensional requirements shall not apply to any special permit issued before the first advertisement of this bylaw change in February, 2004.

ART.2, STM 9/04

S Where a lot has slope in excess of 5%, and the development is subject to Environmental Design Review, the height of a building shall be measured from the ground immediately adjacent to a portion of the building with the same height throughout its length. The ARB may adjust the height provided there is a positive finding by the ARB that the building meets the standard of Section 11.06, f, 2., except that in no case may the height exceed the height limitation in the district by more than 20 feet.

T Upper Story Building Step Backs are required for structural floors over three stories, as required in Section 6.285.

**Adding Section 6.285 – Upper Story Building Step Backs**

For buildings in excess of three (3) stories in height, an additional seven and one half (7.5) foot step back (upper story building setback) shall be provided beginning at the third (3rd) story level or thirty (30) feet above grade, whichever is less. The upper story stepback shall be provided along all building elevations with street frontage, excluding alleys.

**Amending Section 11.06 - Environmental Design Review**

b. APPLICATION.

1. In any instance where a new structure, or a new outdoor use, or an exterior addition or a change in use a) requires a building permit, b) is subject to a special permit in accordance with Section 5.04, Table of Use Regulations, or alters the facade in a manner that affects the architectural integrity of the structure, and c) is one of the uses included in subparagraphs (a), (b), (c), (d), (e), (f), (g), ~~or (h)~~ (h), or (i) below, the aforementioned special permit shall be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards hereinafter specified.

(a) Construction or reconstruction on a site abutting

Massachusetts Avenue

Pleasant Street

Mystic & Medford Streets between Massachusetts Avenue and Chestnut Street

Broadway

Minuteman Bikeway

- (b) Six or more dwelling units on the premises, whether contained in one or more structures or on one or more contiguous lots, constructed within a two year period.
- (c) Gasoline service stations.
- (d) Lodging house, bed and breakfast, bed and breakfast home or a rehabilitation residence with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.
- (e) Nonresidential uses and hotels or motels in a nonresidential district with more than 10,000 square feet of gross floor area or with 20 or more parking spaces.
- (f) Nonresidential uses in a residential district with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.
- (g) Outdoor uses.
- (h) Temporary, seasonal signage in accordance with an overall signage plan at a fenced athletic field with one or more permanent structures to seat more than 300 persons, which signage may be in effect between March 15 and December 15 of any calendar year.
- (i) Mixed Use